

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION; and HTC AMERICA,
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

AMENDED JOINT STATUS REPORT

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

CYWEE MOTION GROUP LTD.,

Third-Party Defendant.

Pursuant to the Court's August 19, 2019 Order (ECF No. 146), Plaintiff CyWee Group Ltd. ("CyWee Group"), Defendants and Third-Party Plaintiffs HTC Corporation and HTC America, Inc., and Third-Party Defendant CyWeeMotion Group Ltd. respectfully submit the following amended joint status report. This report amends and replaces the joint status report filed on January 13, 2020 (ECF No. 152).

As shown in the table below, on January 9, 2020, the PTAB held that the claims subject to two IPRs filed by Google (the "Google IPRs") are invalid:

Asserted Patent	IPR Case No.	Original Claims Held Invalid	Proposed Contingent Amended Claims Held Invalid
8,441,438	IPR2018-01258	1, 3–5	20, 21 (corresponding to original claims 1 and 3)
8,552,978	IPR2018-01257	10, 12	19, 20 (corresponding to original claims 10 and 12)

In the instant case, CyWee asserts infringement of claims 1, 3–5, 14–17, and 19 of the '438 patent, and claims 10 and 12 of the '978 patent. Asserted claims 14–17 and 19 of the '438 patent are not subject to the Google IPRs.

Those claims are however subject to an IPR filed by ZTE (the "ZTE IPR") as shown in the table below:

Asserted Patent	IPR Case No.	Instituted Claims	Proposed Contingent Amended Claims Preliminarily Held Valid	Proposed Contingent Amended Claims Preliminarily Held Invalid
8,441,438	IPR2019-00143	1, 4, 5, 14–17, 19	20, 21, 22 (corresponding to original claims 1, 5, 14)	23 and 24 (corresponding to original claims 15 and 19)

Unlike the proposed amendments in the Google IPRs, the proposed amendments in the ZTE IPR are subject to the PTAB's pilot program concerning motions to amend, as provided for in 84 Fed. Reg. 9,497 (Mar. 15, 2019). On December 5, 2019 the PTAB issued Preliminary Guidance on Patent Owner's Motion to Amend (the "Guidance"). In the Guidance, the PTAB preliminarily held that proposed amended claims 20 and 22 (corresponding to original claims 1

1 and 14) are valid. If and when these claims are ultimately held valid, amended versions of claims
2 asserted in the instant case, namely 1 and 14, and unamended claims depending from those
3 claims, namely 4 and 16–17, will be litigated in the instant case.

4 Because CyWee intends to appeal the PTAB’s final written decision in the Google IPRs,
5 and because the ZTE IPR will affect claims asserted in this case, neither party requests lifting the
6 stay at this time. The PTAB is expected to issue a final written decision in the ZTE IPR on or
7 before May 17, 2020.

8
9 Dated January 14, 2020

Respectfully submitted,

10 /s/ Carmen E. Bremer

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24 Dated: January 14, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: January 14, 2020

/s/Carmen E. Bremer

Carmen E. Bremer